

## **IC 25-38.1-2**

### **Chapter 2. Indiana Board of Veterinary Medical Examiners**

## **IC 25-38.1-2-1**

### **Board of veterinary medical examiners**

Sec. 1. (a) The Indiana board of veterinary medical examiners is established.

(b) The board consists of seven (7) members appointed by the governor from the districts described in section 3 of this chapter. Not more than one (1) veterinarian member may be domiciled in the same district.

(c) One (1) of the board members must be a registered veterinary technician.

(d) One (1) of the board members must be appointed to represent the general public.

(e) Not more than four (4) board members may be affiliated with the same political party.

(f) If there is a vacancy on the board, the governor shall appoint a successor to complete the unexpired term.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.16.*

## **IC 25-38.1-2-2**

### **Terms of board members**

Sec. 2. (a) The term of each member of the board is four (4) years beginning on September 1 of the appropriate year. Each member shall serve until the member's successor is appointed and qualified. Members of the board may be appointed for more than one (1) term, but an individual may not be a member of the board for more than eight (8) years out of any twelve (12) year period.

(b) The terms of the board members expire as follows:

(1) The term of the member from the first district expires on August 31, 2008, and every four (4) years thereafter.

(2) The term of the member from the second district expires on August 31, 2009, and every four (4) years thereafter.

(3) The term of the member from the third district expires on August 31, 2010, and every four (4) years thereafter.

(4) The term of the member from the fourth district expires on August 31, 2011, and every four (4) years thereafter.

(5) The term of the member from the fifth district expires on August 31, 2008, and every four (4) years thereafter.

(6) The term of the member appointed to represent the general public expires on August 31, 2009, and every four (4) years thereafter.

(7) The term of the registered technician member expires on August 31, 2012, and every four (4) years thereafter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.17.*

## **IC 25-38.1-2-3**

### **Districts**

Sec. 3. (a) District 1 consists of the following counties: Clay,

Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, and Warrick.

(b) District 2 consists of the following counties: Bartholomew, Brown, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Hancock, Harrison, Henry, Jackson, Jefferson, Jennings, Johnson, Madison, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne.

(c) District 3 consists of the following counties: Boone, Clinton, Hamilton, Hendricks, Howard, Marion, and Tipton.

(d) District 4 consists of the following counties: Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke.

(e) District 5 consists of the following counties: Adams, Allen, Benton, Blackford, Carroll, Cass, DeKalb, Elkhart, Fulton, Grant, Huntington, Jasper, Jay, Kosciusko, LaGrange, Miami, Newton, Noble, Pulaski, Steuben, Wabash, Wells, White, and Whitley.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-4**

##### **Eligibility of board members**

Sec. 4. (a) Each member of the board must have been a resident of Indiana for at least five (5) years continuously before appointment and must have been a:

(1) licensed veterinarian in the private practice of veterinary medicine; or

(2) registered veterinary technician;

in Indiana for at least three (3) of those years.

(b) Each member of the board must be a graduate of a school or college of veterinary medicine or an accredited veterinary technology program generally recognized as approved, according to the prevailing standard for recognition as a school or college of veterinary medicine at the time of the member's graduation.

(c) Each member of the board must be a person of good reputation within the profession and within the community in which the member resides.

(d) A member of the board may not be an officer, a director, or an employee in any manufacturing, wholesaling, or retail enterprise dealing in drugs, supplies, instruments, or equipment used or useful in the practice of veterinary medicine, which might constitute or tend to create a conflict of interest between the member's business association and membership on the board.

(e) A member of the board may not be a member of the faculty, board of trustees, or advisory board of a school of veterinary medicine or school of veterinary technology.

(f) Notwithstanding the other provisions of this section, one (1) member of the board, appointed to represent the general public, must be an Indiana resident who has never been associated with veterinary medicine in any way other than as a consumer.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.18.*

#### **IC 25-38.1-2-5**

##### **Board meetings**

Sec. 5. (a) The board shall hold an annual meeting in Indianapolis and other regular meetings during the year at places the board sets.

(b) The board may hold special meetings as necessary. The chairperson or two (2) members of the board may call a special meeting.

(c) Four (4) members of the board constitute a quorum.

(d) All meetings must be open and public. However, the board may meet in closed session:

- (1) to prepare, approve, administer, or grade examinations;
- (2) to deliberate the qualifications of an applicant for license or registration; or
- (3) to deliberate the disposition of a proceeding to discipline a licensed veterinarian or registered veterinary technician.

(e) Minutes of each regular and special meeting shall be compiled and kept as a permanent record in the same office as other records of the board are kept. The agency is responsible for the care and safekeeping of the minutes.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-6**

##### **Travel reimbursement**

Sec. 6. Each member of the board is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-7**

##### **Officers; duties of the Indiana professional licensing agency**

Sec. 7. (a) At its annual meeting, the board shall elect a chairperson and vice chairperson and other necessary officers determined by the board. Officers shall serve for a term of one (1) year or until a successor is elected. There is no limitation on the number of terms an officer may serve.

(b) The state veterinarian shall be the technical adviser of the board.

(c) The duties of the agency include:

- (1) corresponding for the board;
- (2) keeping accounts and records of all receipts and disbursements by the board;
- (3) keeping records of all applications for license or registration;
- (4) keeping a register of all persons currently licensed or registered by the board;
- (5) keeping permanent records of all board proceedings; and
- (6) administering the veterinary investigative fund established by section 25 of this chapter.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.19.*

#### **IC 25-38.1-2-8**

##### **Liberal construction of supervisory powers**

Sec. 8. The powers granted to the board in this chapter are to enable the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-9**

##### **Board powers; qualifications of applicants**

Sec. 9. The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine; and
- (2) registration to practice as a registered veterinary technician; in Indiana.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.20.*

#### **IC 25-38.1-2-10**

##### **Board powers; licenses and permits**

Sec. 10. The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine; and
- (2) registrations or special permits to practice as a registered veterinary technician; in Indiana.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.21.*

#### **IC 25-38.1-2-11**

##### **Board powers; authority to discipline**

Sec. 11. The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with this article and the rules adopted under this chapter.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-12**

##### **Board powers; examinations**

Sec. 12. The board is vested with the sole authority to determine the following:

- (1) The examinations applicants are required to take.
- (2) The subjects to be covered on the examinations.
- (3) The places where and the dates on which examinations will be given.
- (4) The deadlines for applying to take the examinations.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.22.*

#### **IC 25-38.1-2-13**

##### **Continuing education**

Sec. 13. The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice

veterinary medicine and for the renewal of registrations as a registered veterinary technician. The rules adopted under this section must comply with IC 25-1-4-3.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.23.*

#### **IC 25-38.1-2-14**

##### **Standards of professional conduct**

Sec. 14. The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a registered veterinary technician.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.24.*

#### **IC 25-38.1-2-15**

##### **Investigations**

Sec. 15. Subject to IC 25-1-7, the board may conduct investigations for the purpose of discovering violations of this article by:

- (1) licensed veterinarians or registered veterinary technicians;  
or
- (2) persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-16**

##### **Inspections**

Sec. 16. The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if the veterinary hospitals, clinics, or other establishments meet the board's standards of cleanliness and sanitation as defined by the board's rules.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-17**

##### **Hearings**

Sec. 17. The board may hold hearings on all matters properly brought before the board. When conducting hearings, the board may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as the board's hearing officer.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-18**

##### **Court enforcement**

Sec. 18. The board may bring proceedings in the courts for the enforcement of this article or any rules adopted under this chapter.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-19**

##### **Fees**

Sec. 19. (a) The board shall establish by rule under IC 25-1-8 fees sufficient to implement this article, including fees for examining and licensing veterinarians and for examining and registering veterinary technicians.

(b) In addition to the fee to issue or renew a license, registration, or permit, the board may establish a fee of not more than ten dollars (\$10) per year for a person who holds a license or special permit as a veterinarian or a registration or special permit as a veterinary technician to provide funds for administering and enforcing the provisions of this article, including investigating and taking action against persons who violate this article. All funds collected under this subsection shall be deposited in the veterinary investigative fund established by section 25 of this chapter.

(c) The fees established under this section shall be charged and collected by the agency.

*As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.25.*

#### **IC 25-38.1-2-20**

##### **Reciprocal agreements**

Sec. 20. The board may enter into reciprocal agreements with its counterpart boards in other states and may effect agreements by rule.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-21**

##### **Board representation at meetings**

Sec. 21. The board may appoint one (1) or more board members to act as representatives of the board at any meeting inside or outside Indiana where representation is desirable.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-22**

##### **Support personnel and supplies**

Sec. 22. The agency shall provide the board with full or part-time professional and clerical personnel and supplies, including printed matter and equipment, necessary to implement this article.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-23**

##### **Rules**

Sec. 23. The board may adopt rules under IC 4-22-2 that the board considers necessary to carry out the board's duties.

*As added by P.L.2-2008, SEC.12.*

#### **IC 25-38.1-2-24**

##### **Seal**

Sec. 24. The board may adopt an appropriate seal, which may be affixed to all license and registration certificates and other official documents of the board.

*As added by P.L.2-2008, SEC.12.*

**IC 25-38.1-2-25**

**Veterinary investigation fund**

Sec. 25. (a) The veterinary investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed under section 19(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated to the agency for its use in administering and enforcing this article, conducting investigations, and taking enforcement action against persons violating this article.

(f) The attorney general and the agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the agency shall present the memorandum of understanding annually to the board for review.

*As added by P.L.58-2008, SEC.26.*